

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of)
themselves and all others similarly situated,)

Plaintiffs,)

V.)

U.S. DEPARTMENT OF EDUCATION and
Suzanne GOLDBERG, in her official capacity as
Acting Assistant Secretary for Civil Rights,
U.S. Department of Education,

Defendants.)

Civil Action No. 6:21-cv-00474-AA

DECLARATION OF DARREN MCDONALD

I, Darren McDonald, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I am a resident of Portland, Oregon, located in Multnomah County.
3. I grew up in Arcadia, California.
4. I am a gay man. I'm also a partially sighted person.
5. I grew up knowing that I had to follow the rules because I needed the approval of my parents and church for my safety and protection.
6. I grew up attending a Presbyterian Church USA congregation.
7. I attended public schools through high school. I was in special education through elementary school and was bullied heavily during those years.
8. I found a lot of acceptance in church because I was not viewed as the blind, fat kid, like I was at school. I was viewed as a whole person and part of a family.
9. I began at Westmont College in Santa Barbara, California in August 1998. I graduated in 2002.
10. I began Fuller Theological Seminary in Pasadena, California in September, 2002. I graduated in December 2006.
11. I received student loans or grants from the U.S. Department of Education to attend Fuller.
12. Westmont has multiple statements listed in its online student handbook when it comes to marriage and homosexuality.

13. The first statement comes in the Behavioral Expectations section at the beginning of the student handbook. The statement is “the college will not condone practices the Scripture forbids” followed by a list of activities including “sexual relations outside of marriage.” A later statement in this section states: “the college expects our members who chose to marry to abide by the commitment to lifelong heterosexual marriage.”
14. Westmont’s rule against Lewd, Indecent, or Obscene Conduct includes the statement “discretion should also be exercised regarding watching videos, hanging posters, and viewing periodicals, websites or social media sites that are degrading and/or promote an unhealthy view of sex, sexuality, and gender.”
15. Westmont also has a very lengthy section in its student handbook regarding Sexual Activity Outside of Marriage. The statement reads, in full (emphasis added):

*At Westmont, we are committed to helping our students develop Christ-like maturity in all areas of their lives, which includes helping students make wise and biblical decisions regarding sexual activity. The Community Life Statement reflects the college’s understanding of Scripture, which is the church’s historic, classical interpretation of marriage and sexual fidelity. In regard to sexual activity, **the college will not condone practices that Scripture forbids, including sexual relations outside of marriage between persons of opposite sex or persons of the same sex.** Additionally, conduct promoting such intimacy between unmarried persons (i.e., nudity, lying in bed together) is unacceptable behavior and private situations that foster such behavior should be avoided. Members of the Westmont community who choose to marry are expected to abide by the **commitment to lifelong heterosexual marriage**, and whether single or married, to strive to maintain healthy family relationships.*

*Westmont College believes the best place to navigate these issues of sexuality, including sexual identity, is in Christian community and that students are best supported if they are able to share their questions, struggles, or their self-understanding with trusted others, including those in Student Life and Residence Life. Concerns about sexuality may be difficult to disclose, but struggling in silence is a far greater challenge. In all such personal issues, Student Life and Residence Life staff members are committed to discretion, sensitivity, compassion, and redemptive actions. Additionally, confidential assistance is available through Westmont’s Counseling Services. **When a student approaches us and communicates that he or she is struggling with sexual purity or same-sex attraction or behavior, we aim to offer safety that promotes openness, to communicate personal acceptance, and to provide accountability and assistance to support students to live consistently with biblical teaching.***

All members of the Westmont Community are expected to treat one another with respect, dignity and Christ-like compassion. Insults, slurs and other forms of derogatory, disrespectful or flippant speech have no place in a Christian community. The college is committed to protecting individuals from harassment and retaliation based on sexual orientation, gender identity and gender expression.

16. Fuller also has multiple statements listed in its online student handbook when it comes to marriage and homosexuality.
17. In its statement on marriage and divorce, Fuller states “Christ teaches that God the Creator intended marriage to be an unconditional covenant between a woman and a man.”
18. Fuller also has a Community Standard: Sexual Standards policy which states, in part, “Fuller Theological Seminary believes that sexual union must be reserved for marriage, which is the covenant between one man and one woman, and that sexual abstinence is required for the unmarried. The seminary believes that premarital, extramarital, and

homosexual forms of explicit sexual conduct to be inconsistent with the teaching of Scripture. Consequently, the seminary expects all members of its community...to abstain from what it holds to be unbiblical sexual practices.”

19. Fuller also has a non-discrimination policy, which includes the following: “Fuller Theological Seminary does not unlawfully discriminate on the basis of sexual orientation. The seminary does lawfully discriminate on the basis of sexual conduct that violates the Community Standard Statement on Sexual Standards. The seminary believes that sexual union must be reserved for marriage, which is a covenant union between one man and one woman. The seminary believes premarital, extramarital, and homosexual forms of sexual conduct to be inconsistent with the teachings of scripture. Therefore, the seminary expects members of its community to abstain from what it holds to be unbiblical sexual practices.”
20. I chose Westmont and Fuller because in public school I faced significant bullying related (in part) to my visual impairment. I was a blind, fat, awkward, and socially isolated blind kid in a public school. I was the child of church leaders at the evangelical church that I grew up at and I had a voice and leadership in the youth ministry.
21. I was also deeply in denial about my sexuality at the time. I suppressed my sexuality for a long time, in part, because of the cultural narrative that treats disabled people as non-sexual beings.
22. I did not feel safe coming out. I did not feel safe existing. The cultural climate at Westmont and Fuller was harsh with homosexuality positioned as an "issue" and an enemy of the Church.
23. At Westmont, I did not fully gender conform. "Spring Sing" is a major event at Westmont where each residence hall puts on skits to parodied songs. I was given the part of a gay character who was to wear a muumuu and chase another student asking for a kiss.
24. The students were not laughing with me, they were laughing at me. The skit was basically framed as the gay monster, predator chasing the innocent straight student. I felt like a contemptible monstrosity. I internalized this for a long time.
25. Fuller was very "don't ask, don't tell" when I went there. The line for how far you could push being out was extremely murky which in a way felt great and, in a way, felt scarier since there was no predictability about it.
26. I participated in a class on New Testament Ethics in which the entire class was structured around intentionally polarized groups debating the "controversial case" of a lesbian couple asking to be members of a church. It was treated as if the lesbian couple situation was a threat. I did not feel safe either emotionally or physically in these conversations.
27. I had to drink before class to feel able to survive them emotionally (and I'm not and have never been even much of a social drinker).

28. At the time I attended these schools, I felt suicidal. The approach of both of these schools towards my sexual identity at the time was to encourage conversion therapy.
29. I became increasingly suicidal when considering whether or not I should come out at Fuller.
30. I still suffer from depression, anxiety, shame, and internalized homophobia as a result of attending these schools.
31. I know that there are, and always will be, LGBTQ+ students at Westmont and Fuller and that they will continue to suffer and have no protections unless policies are changed.
32. I am participating in this lawsuit because I am convinced that Christian colleges like Westmont and Fuller endanger LGBTQQI students, alumni, and staff. As a gay survivor of these institutions who has enough job security and privilege to fight back, I believe it is my duty to use everything in my being to resist the harmful practices of these institutions.
33. I am a federal taxpayer and do not feel that my taxes should be spent in furthering the discrimination against people like me by Fuller and Westmont.
34. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 18th day of March, 2021.

By:



Darren McDonald